

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

**Ana R. Olivella Rivera**

*Plaintiff*

vs.

**Popular Leasing and Rental, Inc  
and others**

*Defendants*

District Court No.

3:98 cv-2267 JAG-GAG

MOTION TO SHOW CAUSE

**TO THE HONORABLE COURT:**

Comes now defendants **Popular Auto, Inc** (formerly Popular Leasing & Rental, Inc.) and respectfully shows and prays:

1. Unbeknownst to us, a hearing was held on May 31, 2006. The Court ordered us to show cause as to why sanctions should not be levied upon us.
2. The truth is that we were not aware of this hearing. We have been looking for the email notice scheduling the hearing and were unable to locate it. We have been careful to place all court electronic notices in a folder but sometimes due to the coqui.net web service malfunctions, some mail may be lost or undelivered.
3. Brother counsel José R. Díaz Ríos which is also attorney of record in this case, did not receive by mail the order scheduling the conference. So we

were totally ignorant of this hearing.

4. We have been working closely with Mrs. Ana María Otero on this case and she also was unaware of the hearing.
5. Attorney from plaintiff was supposed to set up a meeting to amend de Pre Trial Report, as substantial changes are necessary because of the dismissal of Fair Debt Collection counts. He did nothing. Even a phone call would have prevented that Mrs. Otero and us from been absent from the hearing.
6. It was an improvised and questionable act to present an old version of the Pre Trial report that does not reflect the actual status and merits of the case. Even if we had attend the hearing a proper PT report was not ready. It was plaintiff's obligation to make sure that a proper PT was submitted and to call the other parties to discuss this document previous to the hearing
7. This report even contains our very old telephone numbers. We have informed Mr. Oliveras the current numbers and address many times but inexplicably he continues to ignore us.
8. As soon as the court ordered the parties to submitt and amended proposed PT order, we sent an email to set up a meeting. This meeting was scheduled for Wednesday and later for Thursday, But was postponed for June 13 due to Mr. Oliveras is unavailable. This will prevent us to comply with the order to file this report as of today.

**WHEREFORE,** Defendants respectfully request that Honorable Court takes notice as to the reasons of our absence and that no sanctions be imposed upon us.

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I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Rafael A. Oliveras López, Esq.** and to **Ana María Otero, Esq.**

In San Juan, Puerto Rico, June 9, 2006.

***Pérez Pietri & Díaz Ríos***

Attorneys For Popular Leasing

P. O. Box 190743

San Juan, P. R. 00919-07433

Tel. 792-7013 / Fax: 792-8520

A handwritten signature in blue ink, appearing to read 'David López-Pumarejo', is positioned above the printed name and contact information.

**David López-Pumarejo, Esq.**

USDC No. 123711

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